

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW M. DENNIS,

Plaintiff,

v.

GENE DOSIER, et al.,

Defendants.

1:22-cv-00818-HBK (PC)

ORDER DIRECTING PAYMENT OF
PLAINTIFF'S ATTORNEY COSTS UNDER
CALIFORNIA PENAL CODE SECTION
2085.8(a)¹

(Doc. No. 40)

Pending before the Court is Plaintiff Matthew Dennis and Defendants Dinis, Dozer, and Swanson's Joint Stipulated Motion for Court Approval of Attorney Fees filed October 25, 2024. (Doc. No. 40). At a settlement conference held on December 21, 2023 with the United States Magistrate Judge Jeremy D. Peterson, the parties reached a global settlement in the instant case as well as *Dennis v. Kernan, et al.*, E.D. Cal. Case No. 2:16-cv00542. (*Id.*, ¶1). Although the material terms of the settlement agreement were placed on the record, the specific attorney fees requested to be paid out of the settlement amount were not placed on the record. (*Id.*). Plaintiff's counsel's requested attorney fees for the settlement of the above captioned case in the amount of \$2,625.00. (*Id.*, ¶3). The total settlement amount is \$10,500.00. (*Id.*).

¹ Both parties have consented to the jurisdiction of a magistrate judge in accordance with 28 U.S.C. §636(c)(1). (Doc. No. 42).

1 California. Penal Code Ann. § 2085.8(a) in pertinent part provides:

2 Compensatory or punitive damages awarded by trial or settlement to
3 any inmate . . . in connection with a civil action brought against a
4 federal, state, or local jail, prison, or correctional facility, or any
5 official or agent thereof, shall be paid directly, after payment of
6 reasonable attorney's fees and litigation costs **approved by the court**, to satisfy any outstanding restitution orders or restitution fines
against that person. The balance of the award shall be forwarded to
the payee after full payment of all outstanding restitution orders and
restitution fines, subject to subdivision (c).

7 *Id.* (emphasis added). The Court finds the attorney fees to be reasonable.

8 Accordingly, it is ORDERED:

- 9 1. The Parties' Stipulated Motion for Court Approval of Attorney Fees (Doc. No. 40) is
10 GRANTED.
- 11 2. The Court approves and directs Plaintiff's attorney, Taylor James Howard, A.E.I. Law.
12 P.C, to be paid attorney fees and costs totaling \$2,625.00 under Cal. Penal Code Ann. §
13 2085.8(a) from the settlement.

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15 Dated: November 1, 2024


16 HELENA M. BARCH-KUCHTA
17 UNITED STATES MAGISTRATE JUDGE

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